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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,635

Applicant(s)

LIN ET AL.

Examiner

Mishawn N. Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 6-8, 10, 19-21, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "repeat pictures" in claims 6-8, 10, 19-21, and 24 is a relative term, which renders the claim indefinite. What is the difference between "dummy pictures" and "repeat pictures?" Are they the same?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7, 9-11, 14-20, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Eerenberg et al. (US Pat. No. 6621979).

Consider claim 1. Eerenberg et al. teaches that in a rewritable storage medium (fig. 1), a method for changing a playback speed of a selected video segment having a progressive frame structure which has been recorded on a portion of said storage medium comprising the steps of: modifying said selected video segment for a changed playback speed; and recording said modified video segment exclusively on said portion of said medium (col. 4 lines 51-67; col. 5, lines 1-27; figs. 15 and 19).

Consider claim 2. Eerenberg et al. teaches the combination of claim 1 further comprising the step of deleting a plurality of non-video packs (col. 20, lines 27-30) in said selected video segment to reduce an amount of data contained in said modified video segment (col. 20, lines 25-26).

Consider claim 3. Eerenberg et al. teaches the combination of claim 1, further comprising the step of reducing a resolution of at least one frame (col. 9, lines 49-50) contained in said modified video segment.

Consider claim 4. Eerenberg et al. teaches the combination of claim 1 further comprising the step of lowering a bit rate of said modified video segment during said recording step (col. 10, lines 51-60).

Consider claim 5. Eerenberg et al. teaches the combination of claim 1 wherein said video segment is comprised of intra and non-intra frames and said modification comprises the step of decoding each said intra frame and selectively decoding at least one said non-intra frame (col. 23, lines 60-64; col. 24, lines 14-19).

Consider claim 6. Eerenberg et al. teaches the combination of claim 5, further comprising the step of inserting into said selected video segment at least one of the group consisting of dummy pictures (col. 9, lines 35-37) and repeat pictures.

Consider claim 7. Eerenberg et al teaches the combination of claim 6, wherein the number of said dummy pictures and said repeat pictures inserted into said selected video segment is based on said changed playback speed (col. 7, lines 17-53; figs. 5, 6, and 7).

Consider claim 9. Eerenberg et al. teaches the combination of claim 1 wherein said video segment is comprised of intra and non-intra frames and said modification comprises the step of decoding all said intra frame and said non-intra frames (col. 23, lines 60-64; col. 24, lines 14-19).

Consider claim 10. Eerenberg et al. teaches the combination of claim 9, further comprising the step of inserting into said selected video segment at least one of the group consisting of dummy pictures (col. 9, lines 35-37) and repeat pictures into said selected video segment.

Consider claim 11. Eerenberg et al teaches the combination of claim 10, wherein the number of said dummy pictures and said repeat pictures inserted into said selected

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video segment is based on said changed playback speed (col. 7, lines 17-53; figs. 5, 6, and 7).

System claims 14-20 and 22-24 are rejected for the same reasons as discussed in the corresponding method claims 1-7 and 9-11 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12, 13, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eerenberg et al. (US Pat. No. 6621979) in view of Takeuchi et al. (US Pub. No. 20020028061).

Consider claim 12. Eerenberg discloses all of the claimed limitations as stated above in claim 1, except said video segment is comprised of intra and non-intra frames and said modification comprises the step of removing at least one frame from the group consisting of said intra and non-intra frames.

Consider claim 13. Eerenberg discloses all of the claimed limitations as stated above in claim 1, except said video segment is comprised of intra and non-intra frames and said modification comprises the steps of: decoding said intra and non-intra frames; and removing at least one field from at least one of said intra and non-intra frames.

However, Takeuchi et al. teaches a video segment comprised of intra and non-intra frames with the step of removing at least one frame from the group (pg. 2, para. 0052) consisting of said intra and non-intra frames (fig. 1). Takeuchi et al. also teaches a video segment comprised of intra and non-intra frames and said modification comprises the step of decoding said intra and non-intra frames (pg. 10, para. 0218-0219; fig 23).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify Eerenberg et al. by decoding intra and non-intra frames and removing at least one frame from the group consisting of said intra and non-intra frames in order to achieve the optimum fast-forward playback speed.

System claim 25 is rejected for the same reasons as discussed in the corresponding method claim 12 above.

System claim 26 is rejected for the same reasons as discussed in the corresponding method claim 13 above.

#### ***Allowable Subject Matter***

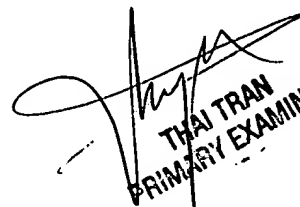
4. Claims 8 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571)272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
THAI TRAN  
PRIMARY EXAMINER